

IN THE COURT OF APPEALS OF TENNESSEE  
AT KNOXVILLE  
February 15, 2001 Session

**REVEREND T. ALLEN CLOUGH v. STATE OF TENNESSEE ATTORNEY  
GENERAL<sup>1</sup>**

**Appeal from the Chancery Court for Knox County  
No. 140791-3 Sharon J. Bell, Chancellor**

**FILED APRIL 11, 2001**

**No. E2000-01124-COA-R3-CV**

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The plaintiff filed a complaint in this action against the assistant district attorney general who had prosecuted him for stalking under the provisions of T.C.A. § 39-17-315 (1997). The trial court granted the defendant's motion to dismiss. We affirm.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Chancery Court  
Affirmed; Case Remanded**

CHARLES D. SUSANO, JR., J., delivered the opinion of the court, in which HERSCHEL P. FRANKS and D. MICHAEL SWINEY, JJ., joined.

Reverend T. Allen Clough, Knoxville, Tennessee, Pro Se.

Paul G. Summers, Attorney General and Reporter; Michael E. Moore, Solicitor General; and Mary M. Bers, Senior Counsel, for the appellee, State of Tennessee Attorney General.

**OPINION**

The plaintiff, Reverend T. Allen Clough, filed suit seeking injunctive relief against Assistant District Attorney General Willie Rena Harper, who had previously prosecuted him for stalking Ashton Fair, to whom the plaintiff claims to be married. Essentially, the complaint seeks to prevent Harper from prosecuting him for future violations of the stalking statute as to Ms. Fair. He also seeks to set aside his previous conviction for stalking. The State of Tennessee Attorney General, on behalf of Harper, filed a motion to dismiss, which was granted by the trial court.

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<sup>1</sup>The pleadings in this case are styled in many different ways, with the one common thread being that Mr. Clough is always reflected as the plaintiff. We have adopted the style as reflected on the notice of appeal. In any event, the only defendant before us on appeal is Assistant District Attorney General Willie Rena Harper.

The pleadings before us indicate that the plaintiff entered a plea of guilty to the charge of stalking Ms. Fair. The complaint claims that the plaintiff and Ms. Fair are “married.” This “marriage” apparently resulted from a “ceremony,” of some undisclosed nature, “performed” by the plaintiff, who alleges that he is an ordained minister.

Following his conviction for stalking, Clough filed suit against a Jeffrey Gaddis, alleging that Mr. Gaddis was unlawfully interfering with Clough’s relationship with his “wife” and was using “malicious prosecution, malicious harassment, and fear tactics” to keep Clough away from Ms. Fair. It was in this action that Clough ultimately named Harper as a defendant.

As previously indicated, Clough seeks an injunction essentially to prohibit Harper from prosecuting him for future violations of the stalking statute as to Ms. Fair. He also seeks to have his prior conviction “removed” on the basis that Harper violated his constitutional rights in pursuing his prosecution. We find that the trial court properly dismissed the action against Harper. First, a court of equity has no jurisdiction to enjoin future criminal prosecutions. *Tennessee Downs, Inc. v. Gibbons*, 15 S.W.3d 843, 847 (Tenn. Ct. App. 1999) (perm. app. denied September 30, 1999). Second, a chancery court is not the proper forum for Clough to challenge his criminal conviction. The Post-Conviction Procedure Act provides that a petition, seeking relief from a conviction that is void or voidable because of constitutional violations, must be filed in “the court in which the conviction occurred.” T.C.A. §§ 40-30-204(a); 40-30-203 (1997).<sup>2</sup> Accordingly, we hold that the trial court’s dismissal of Clough’s claims against Harper was proper.

### III.

The judgment of the trial court is affirmed. This case is remanded for collection of costs, assessed below. Costs on appeal are taxed to the appellant, Reverend T. Allen Clough.

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CHARLES D. SUSANO, JR., JUDGE

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<sup>2</sup>Clough in fact filed such a petition, alleging that his plea was not knowingly and voluntarily entered. The trial court denied his petition, and that decision was affirmed on appeal. *See Clough v. State*, No. E1999-02145-CCA-R3-PC, 2000 WL 863063 (Tenn. Crim. App. E.S., filed June 29, 2000) (perm. app. denied December 18, 2000).